



Atty. Docket: 020587

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Ikue KAWAMOTO et al.

Serial Number: 10/072,455

Group Art Unit: 2871

Filed: February 7, 2002

Examiner: CHOWDHURY, TARIFUR RASHID

For: POLARIZING ELEMENT AND LIQUID CRYSTAL DISPLAY

DECLARATION UNDER 37 CFR 1.131

Honorable Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

We, Ikue KAWAMOTO, Naoki TAKAHASHI, and Tadayuki KAMEYAMA, all citizens of Japan, hereby declare and state:

1. Credentials

We are the named inventors in the above-identified application.

2. Purpose of this Declaration

A purpose of this Declaration is to show that the invention claimed in the present application was made before July 2, 2001, which is the filing date of U.S. patent application publication US 2003/0002154 A1 to Trapani et al. (**Trapani**), so that **Trapani** is not prior art under 35 U.S.C. 102(a) or (e) in the present application.

3. Showing of Facts

The showing of facts made in the present Declaration is based on prior Japanese application No. 11-355591 (**JP'591**), which was filed in the Japanese Patent Office on December 15, 1999 in the name of the inventors in the present application. A certified copy of **JP'591** and a verified English translation of the application published on June 29, 2001 under No. 2001-174633

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(the **JP'633** translation) are attached to this Declaration. Priority of **JP'591** is not claimed under the Paris Convention in the present application because the present application was filed on February 7, 2002, which is more than one year after the filing date of **JP'591**.

The undersigned declare that they are the named inventors in the present application, and that they are familiar with the invention, **JP'591** and the present application.

Further, the undersigned declare that the invention claimed in the present application was made by the inventors before July 2, 2001. In support of this declaration, a copy of **JP'591** accompanied with a verified English translation of the application publication **JP'633** are submitted which shows that the inventors had conceived and reduced to practice the presently claimed invention before December 15, 1999.

Specifically, the disclosure in **JP'591** is substantially identical to the disclosure in the present application. Specifically, differences appear in the attached marked-up copy of the present application showing the changes with respect to the **JP'633** translation. Thus, support for the claims in the present application is provided as follows:

- claims 1-3, 6-7, and 12: claims 1-6 of **JP'591**;
- claims 4-5: paragraph 11 of **JP'591**;
- claims 8-10: paragraphs 19, 20 and 21 of **JP'591**, respectively;
- claim 11: the Examples and Fig. 1 of **JP'591**; and
- claims 13-18: claims 1, 11, 2, and 8-10 of **JP'591**, respectively; and
- claims 19-25: claims 2-6 and paragraph 11 of **JP'591**.

JP'591 was filed in the name of the present inventors Ikuo KAWAMOTO, Naoki TAKAHASHI, and Tadayuki KAMEYAMA, as shown in the opening pages of the **JP'633** translation.

Thus, in **JP'591**, the present inventors described the subject matter of the present invention substantially as claimed in the claims of the present application. Therefore, **JP'591** evidences that the present inventors were in possession of the present invention as claimed in the present application before December 15, 1999.

In addition, in the specification of **JP'591**, the present inventors reported experimental

results substantially identically as the experimental results reported in the present specification. Therefore, the experimental results reported in **JP'591** evidence that the present inventors had reduced to practice the invention claimed in the present application before December 15, 1999.

4. Conclusion

The disclosure in **JP'591** evidences that the inventors in the present application were in possession of the invention claimed in the present application before the effective date of **Trapani**. As a result, **Trapani** is not prior art as to the presently claimed invention.

The undersigned declare that all statements made herein of his/her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that willful false statements may jeopardize the validity of the application or any patent issued thereon.

Signed this 10th day of September, 2003

Ikuro Kawamoto

Ikuro KAWAMOTO

Signed this 10th day of September, 2003

Naoki Takahashi
Naoki TAKAHASHI

Signed this 10th day of September, 2003

Tadayuki Kameyama
Tadayuki KAMEYAMA

Attachments: Certified Copy of JP 11-355591

Verified English Translation of JP 2001-174633 (Publication of JP 11-355591)

Marked-Up Copy of Present Application Showing Changes with Respect to JP
2001-174633